MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To:                     Board of Managers
From:                   Mike Kinney
Subject:                17-003 Woods on Comfort Lake Permit Amendment

Date: January 11, 2019

Background
The purpose of this agenda item is to consider an amendment to permit 17-003 Woods on Comfort Lake. At the December 13, 2018 regular board meeting, the Board approved a reduction in the project’s letter of credit and performance bond. The additional step of a permit amendment was briefly discussed.

The permit application and associated plans that were submitted in 2017 encompassed construction of eight homes. As is the District’s standard procedure, this scope of activity was incorporated into the permit that was issued on October 20, 2017. Under District rules, the permit cannot be closed out, and financial assurances released, until the work described under the permit is complete.

Mr. Lentsch has sold off four of the eight building lots. Each of those lots is undergoing construction pursuant to partial transfers of permit 17-003 to the owners of those lots.

The reason for the permit amendment is that Mr. Lentsch does not anticipate selling off the four remaining lots in the very near future, but he would like to be in a position to close out the permit once these four lots and the common area are stabilized. In order to be able to close out permit 17-003 prior to building all the houses as originally indicated, a permit amendment is required. The proposed amendment would remove house construction from the four remaining lots and simply require that the four lots be stabilized before the permit may be closed out. The amendment also requires that Mr. Lentsch record on the four lots a notice that an erosion and sediment control permit must be obtained prior to construction, to preserve this obligation from permit 17-003.

Staff recommends the attached amendment language, which has been reviewed by counsel.

Recommended Motion:
Manager __________ moves to approve the amendment to permit 17-003 as presented. Seconded by Manager __________.

Attached: 17-003 Woods on Comfort Lake Permit Amendment
Date: __________, 2019

Permittee: Comfort Lake Property, LLC
c/o Bill Lentsch
6607 145th Circle North
Hugo, MN 55038

Amendment to: Permit 17-003 – Woods on Comfort Lake

This amendment amends CLFLWD Permit 17-003 (issuance date October 20, 2017). Permit 17-003 defines the work as encompassing development of eight residential lots, including final site stabilization. Permittee has sold four lots, which are being developed pursuant to a partial transfer of Permit 17-003 to the owners of those lots. The purpose of this amendment is to allow for closeout of Permit 17-003 in advance of the development of the remaining four lots owned by Permittee.

Prior to closeout, Permittee must otherwise complete work under Permit 17-003 as it concerns common areas and must complete stormwater management features, lake and wetland vegetated buffer requirements and final site stabilization associated with the four unsold residential lots.

Upon countersignature by Permittee, Permit 17-003 is amended according to the following specifications:

1. The following lots have been sold and undergone a partial permit transfer. The owners of these individual lots have assumed responsibility for the erosion control requirements on the lot. This amendment does not affect the permits for these four lots or the obligations of permittees under those permits.
   a. Lot 2, Block 2 (17-003-P1)
   b. Lot 2, Block 1 (17-003-P2)
   c. Lot 1, Block 2 (17-003-P3)
   d. Lot 5, Block 2 (17-003-P4)

2. The following lots have not been sold. The erosion control requirements on these lots remain the responsibility of the original permit holder. These lots will not be built under Permit 17-003. It is Permittee’s obligation to stabilize these lots with permanent, perennial vegetation to 70% uniform density.
   a. Lot 3, Block 2
   b. Lot 4, Block 2
   c. Lot 1, Block 3
   d. Lot 2, Block 3
3. Permittee, at its expense, must record a notice on the lots cited in specification 2 stating that they will be subject to District permits for erosion control (Rule 3.0) when built and citing the requirement to protect established vegetated buffers. This notice must be reviewed by the District before recording.

4. The permit expired on October 20, 2018. The work authorized under the permit may continue to completion. However, all stormwater management facilities and all disturbed ground within (a) common areas and (b) the lots listed in paragraph 2 must be finally stabilized by July 31, 2019.

Signed:

_____________________________  ________________________
Mike Kinney, District Administrator      Date
Comfort Lake-Forest Lake Watershed District

Countersigned:

_____________________________  ________________________
William Lentsch         Date
on behalf of Comfort Lake Property, LLC